

### **Litigation Ethics: Part III (Witnesses)**

This interactive program uses hypotheticals to explore ethics issues arising when lawyers deal with witnesses. The topics include: (1) dealing with fact witnesses (including the permissibility of paying fact witnesses for their time, preparing fact witnesses for testimony, and talking with fact witnesses during deposition breaks); (2) dealing with expert witnesses (including paying testifying and non-testifying experts, and ex parte communications with an adversary's expert); and (3) the "witness-advocate rule" (including the rule's rationale, the proceedings in which the rule applies, application to lawyers appearing pro se, judging the necessity for a lawyer's testimony, and permissible pre-trial and post-trial activities by disqualified lawyers).